

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-39 are presently active in this case. Claims 35-39 are amended, and support for the amendments is found in the Applicant's specification at least at page 9, line 23 to page 10, line 11 and Figure 2. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 35 and 38 were rejected under 35 U.S.C. §102(b) as anticipated by Iida et al. (U.S. Patent 6,577,837, herein "Iida"); Claims 36 and 37 were rejected under 35 U.S.C. §103(a) as unpatentable over Iida in view of Russel (U.S. Patent 4,537,493); Claim 39 was rejected under 35 U.S.C. §103(a) as unpatentable over Iida in view of Nakashima et al. (U.S. Patent 6,745,002, herein "Nakashima"); and Claims 1-34 were indicated as allowed.

Applicant acknowledges with appreciation the indication that Claims 1-34 are allowed.

In regard to the rejection of Claims 35 and 38 under 35 U.S.C. §102(b) as anticipated by Iida, Applicant respectfully traverses the rejection for the following reasons.

Independent Claims 35 and 38, as amended, recite a fixing device comprising, *inter alia*, "a first press roller configured to press said conveying belt against said rotary heating member, and a second press roller configured to press said conveying belt against said rotary heating member."

Iida is directed to an image forming apparatus and method for "simultaneously transferring and fixing the toner image on the intermediate transfer member onto a recording

medium using a transfer and fixing unit.”¹ As shown in Figure 2 of Iida, the transfer and fixing unit is “for forming the nip between the fixing roll 2 and the heat-resistant belt 22 tensioned with support rolls 21a, 21b, 21c, the heat-resistant belt 22 is urged against the fixing roll 2, and the elastic member of the fixing roll 2 is twisted at the exist of the nip with the pressure roll 23 mounted inside the heat-resistant belt 22 through the heat-resistant belt 22.”² Therefore, Iida only discloses the single pressure roll 23. Iida does not disclose a fixing device including “a first press roller configured to press said conveying belt against said rotary heating member, and a second press roller configured to press said conveying belt against said rotary heating member,” as recited in amended independent Claims 35 and 38.

Accordingly, Applicant respectfully requests that the rejection of Claims 35 and 38 under 35 U.S.C. §102(b) be withdrawn.

In regard to the rejection of Claims 36 and 37 under 35 U.S.C. §103(a) as unpatentable over Iida in view of Russel and the rejection of Claim 39 under 35 U.S.C. §103(a) as unpatentable over Iida in view of Nakashima, Applicant respectfully traverses the rejections for the following reasons.

Claims 36, 37, and 39 depend from independent Claims 35 and 38. As discussed above with respect to independent Claims 35 and 38, Iida fails to disclose, teach, or suggest each and every element recited in amended Claims 35 and 38. More specifically, Iida fails to teach or suggest a fixing device including “a first press roller configured to press said conveying belt against said rotary heating member, and a second press roller configured to press said conveying belt against said rotary heating member.”

The cited secondary references of Russel and Nakashima fail to cure the deficiencies of Iida with respect to amended independent Claims 35 and 38. Therefore, Applicant

¹ Iida, column 7, lines 2-4.

² Iida, column 12, lines 59-65.

BEST AVAILABLE COPY

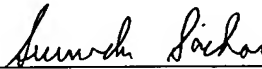
respectfully submits that amended independent Claims 35 and 38 are patentably distinguished over the cited references of Iida, Russel, and Nakashima considered alone or in any proper combination. Accordingly, since Claims 36, 37, and 39 depend from amended independent Claims 35 and 38, Applicant respectfully submits that Claims 36, 37, and 39 are patentably distinguished over the cited references of Iida, Russel, and Nakashima for at least the same reasons as described above with respect to the independent claims.

Accordingly, Applicant respectfully requests that the rejection to Claims 36 and 37 under 35 U.S.C. §103(a) as unpatentable over Iida in view of Russel and the rejection of Claim 39 under 35 U.S.C. §103(a) as unpatentable over Iida in view of Nakashima be withdrawn.

As no other issues are believed to remain outstanding relative to this application, it is believed to be clear that this application is in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)

Surinder Sachar
Registration No. 34,423